

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Examine the  
Commission's Future Energy Efficiency Policies,  
Administration and Programs.

Rulemaking 01-08-028

**ADMINISTRATIVE LAW JUDGE'S RULING:  
INSTRUCTIONS FOR FILING PROPOSALS ON ENERGY EFFICIENCY  
ADMINISTRATIVE STRUCTURE**

This ruling sets forth the instructions and a common format for interested parties' proposals on energy efficiency administrative structure. The attached documents supersede all earlier versions that were distributed and discussed during the two-day workshop on administrative structure, held on March 17 and 18, 2004.

Per Commissioner Kennedy's ruling dated February 6, 2004, proposals on administrative structure are due by April 8, 2004. Opening comments are due on April 26, 2004, and reply comments are due on May 10, 2004.

As discussed at the workshop, Commissioner Kennedy and I hope to enlist the participation of as many interested parties as possible in developing proposals on energy efficiency administrative structure for the Commission's consideration. Throughout the workshop, we also encouraged participants to develop constructive relationships in discussing and collaborating on proposals. I believe that Commissioner Kennedy said it best in her opening statement:

"I implore you not to come to this discussion with 'How can I create the advantage to move my ideological agenda or my parochial interest'...but, 'How can we advance the goals for the

entire state in terms of accomplishing great things on energy efficiency?' So I implore you to look for that common ground, and listen to each other.'<sup>1</sup>

At the same time, as discussed at the workshop, I recognize that under the current administrative structure, some individuals (or organizations) interested in participating in this phase of the proceeding have contracts with the investor-owned utilities (IOUs), or may wish to submit future proposals to the IOUs. These individuals or organizations may be disinclined to submit proposals that recommend administrative structures that change the role of the IOUs, fearing that the IOUs may be reluctant to sign contracts with entities that do not support a continued role of utilities in energy efficiency administration. To address these competitive concerns, I will allow individuals or organizations that find themselves in this position to file and serve proposals and comments on administrative structure that redact their true identities and replace their names with a fictitious identifying name (e.g., Coalition of Concerned Contractors), following the procedures outlined below.

I want to emphasize that I am not assuming that the IOUs would, in fact, misuse the information in this proceeding. However, I believe that some parties do perceive the potential for competitive disadvantage in proposing administrative structures that may run counter to the status quo. Therefore, in the interest of eliminating a potential obstacle to constructive participation by all stakeholders, I am making these procedures available.

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<sup>1</sup> Reporter's Transcript, March 17, 2004, pp. 7-8.

**IT IS RULED** that:

1. All parties filing proposals on administrative structure in this proceeding shall follow the instructions contained in the attachments to this ruling.

2. Proposals on administrative structure are due April 8, 2004. Opening comments are due on April 26, 2004, and reply comments are due on May 10, 2004.

3. The Electronic Service Protocols attached the Assigned Commissioner's Ruling dated December 22, 2003 will continue to apply to the documents served in this proceeding. ***All parties should make sure to refer to the Commission's website to obtain the most up to date service list when serving their April 8, 2004 proposals and subsequent comments.***

4. As discussed at the workshop and in this ruling, there may be competitive concerns facing some stakeholders that could inhibit their participation in this phase of the proceeding. Those individuals or organizations that wish to file proposals or comments without revealing their identity may do so as follows:

- a. File a redacted version of your proposal or comments under a fictitious name (e.g., Coalition of Concerned Contractors) that excludes any identifying information (name, address, phone number) at the Commission's Docket Office. The redacted version should nonetheless provide a description of your interests in this phase of the proceeding in general terms (e.g., "We are a coalition of three energy efficiency contractors to California IOUs"), and explain briefly why you are requesting anonymity. At the same time, file a non-redacted version of your proposal or comments under seal at the Commission's Docket Office. ***Make sure to follow the instructions provided in Attachment 4.***
- b. You are not required to file a motion for a protective order or a motion to intervene with your proposal or comments. Your proposals or comments will serve as such, and you do not need to file these separate pleadings.
- c. The redacted version of your proposal/comments will be publicly available, and you should serve this version pursuant to the Electronic

- Service Protocols. The non-redacted version will be available only to the Commission staff assigned to this proceeding and treated consistent with Pub. Util. Code § 583 confidentiality protection.
- d. Send the Commission's Process Office a written request to be placed on the service list under your fictitious name, with an electronic mailing address where you want to be served all documents in this phase of the proceeding. Make sure to indicate the proceeding number in your request (R.01-08-028). Send you request to Commission Process Office, 505 Van Ness Avenue, San Francisco, California, 94102. *In addition, send an electronic copy of the request to me at meg@cpuc.ca.gov.*
  - e. These procedures are limited to this phase of the proceeding, addressing energy efficiency administrative structure, unless extended by further Assigned Commissioner or Administrative Law Judge ruling.

Dated March 23, 2004, at San Francisco, California.

/s/ MEG GOTTSTEIN BY LTC

Meg Gottstein  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling: Instructions for Filing Proposals on Energy Efficiency Administrative Structure on all parties of record in this proceeding or their attorneys of record.

Dated March 23, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.